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ever is contrary to public policy or inimical to the public interests, is subject to the police power of the State and is within legislative control. And, in the exercise of such power, the Legislature is vested with a large discretion, which, if exercised *bona fide* for the protection of the public, is beyond the reach of judicial inquiry."

SIMEON E. BALDWIN.

While the question of a monographic history of the United States, discussed by the American Historical Association at its last meeting, is still undecided, a monographic history of France, of very nearly the plan and scope proposed for the American undertaking, has begun to appear under the general editorship of Ernest Lavisse (*Histoire de France depuis les Origines jusqu'à la Révolution*. Paris: Hachette). The list of collaborators reaches thirteen names, all of approved scholarship and some of them scholars of the first rank. The volumes which have already appeared give us every reason to hope that we are about to have, what has been long so much desired, a history of France, not too detailed but on a plan broad enough to include all departments of the national life and fully abreast with the best results of modern investigation. Such a work will be warmly welcomed, not merely in France but throughout the reading world.

The plan provides for eight volumes of something more than 800 pages each, which will appear in half volumes, and of these four have already been published: Vol. I., Pt. II., on Gaul before the Franks by Professor G. Bloch of the University of Lyons, and Vol. II., Pt. II. and the whole of Vol. III., covering the history from the beginning of the continuous Capetian period to 1328, the first two half volumes to the death of Louis VIII. by Luchaire, and the third by Langlois. The price of each half volume is six francs. The general history of civilization—institutional and social history are to be covered as well as political history. Not quite so much attention is given to bibliography as in the *Histoire Générale* of Lavisse and Rambaud, but the best monographic studies are noted with some critical remarks, and notes of a supplementary sort, that add detail to the text or give reasons and evidence for conclusions, are more numerous than in the *Histoire Générale*.

Vol. I., Pt. II. opens with a brief account of prehistoric France. It is slightly more full on independent Gaul, and devotes three quarters of the volume to Gaul under the Romans. As would naturally be expected the political history of this period receives less attention than the history of civilization, and the treatment of the Roman government is especially detailed, particularly that of the local government and of the "city." Taken as a monograph by itself, independent of its relation to the rest of the series, the book would form a very useful manual on Roman Gaul, on the organization and government of that province through which Roman institutions were destined to the most permanent influence on later Europe. Searching reviews by specialists have discovered very few errors

in it, and the Academy has pronounced its judgment in its favor by awarding it 1500 francs from the prize Théroutanne.

The period which has been assigned to Luchaire, from 987 to 1226, is that which he has made peculiarly his own and the institutional history of which is treated in his well-known books. Here the account of the political history, which occupies about one half of the whole space, meets a greater present need, and of this the portion devoted to the reign of Philip Augustus is of especial value. On the other side, the ecclesiastical organization and feudalism receive the most attention, and an unusual and useful feature is the full history of the great local feudal dynasties. Less space is given to the communal movement than would have been expected.

Of the period of Vol. III. Pt. II., from 1226 to 1328, it is peculiarly true that a general account combining the results of scattered monographs, until now not brought together in any trustworthy summary, is welcome. Langlois does more than this, however, for the book is in many respects an independent study. Particularly noteworthy are the thorough analysis of the character of St. Louis—an impartial balancing of his piety, justice, and righteous intentions with his occasional deviations from the path of wise policy: *Il est peut-être le seul roi honnête homme qui, respecté de son vivant, ait été mis après sa mort au nombre des grands rois*; and the account of the conflict between Philip IV. and Boniface VIII.—the Pope yields completely in the first conflict, the bull *Ausculat fidei* was probably burnt but it was by accident, the parody of the Pope's bull and the pretended answer of the King, about which doubt has been expressed, were certainly put in circulation, the bull *Unam sanctam* is authentic, there could have been no meeting between Philip and Bertrand de Got before the election of the latter to the papacy but there was undoubtedly an understanding between them. The war between Philip IV. and Edward I. is passed over very lightly, but Langlois inclines to the view of English scholars that Edward was made the victim of a trick of Philip's in the formal surrender of Guienne at the beginning of the war. The intellectual and artistic movements of the time, including the universities, have chapters to themselves, and in his chapter on the French society of the thirteenth century Langlois allows in great part the romances to speak for themselves with interesting results.

The objection that is frequently urged against the monographic plan for writing the general history of a nation, that differences of style and method of treatment would seriously affect the unity of the work, does not lie to any extent against this work so far as it has yet appeared. The style of these writers is plain, straightforward, and business-like. No attempt has been made to create a great literary work, or to treat history as a branch of the fine arts, or to unfold the drama of humanity. But pains have evidently been taken to give a simple and clear account of the facts as they were, free from confusing detail, in all the chief departments of national activity, and with success. Those who are interested either for or against the plan of a similar history of the United

States will probably find it instructive to study this work as it appears. If it should be continued, as it is likely to be, on the same scale and with the same standard of accuracy and interest, it should be made accessible to English readers. It could perform a mission of great usefulness in taking the place of Guizot as a library history of France.

The fourth part of the well-known *Grundriss der romanischen Philologie* edited by Professor Gustav Gröber is devoted to the history of the Romance peoples. Besides brief chapters by Schultz on the history of Romance culture and art, and by Windelband on the history of science among the Romance peoples, it contains a very useful discussion of the *Quellen und Hilfsmittel zur Geschichte der romanischen Völker im Mittelalter* by Professor Harry Bresslau of the University of Strassburg.

C. H. H.

Professor F. W. Maitland has performed a welcome service to students of the history both of political theory and of law by translating from the third volume of Professor Otto Gierke's *Das deutsche Genossenschaftsrecht* the section entitled *Die publicistischen Lehren des Mittelalters*. This he has given us in English under the title *Political Theories of the Middle Ages*. (Cambridge: The University Press. New York: Macmillan.) Dr. Gierke's main subject is the legal doctrine of corporations, and his object is to defend the original German conception of "fellowship," as Mr. Maitland translates *Genossenschaft* against the theory of "fictitious personality" which took its place at the time of the reception of the Roman law. The section translated is a review of the ideas held in the Middle Ages regarding the State, Church and State, political organization, sovereignty, the monarch, the people, popular sovereignty, representation, the personality of people, Church and State, etc. It is of special interest that we are given a discussion not merely of the ideas of the theorists, but also, in so far as they became matters of record, of those of the statesmen and churchmen, especially of the latter, who created institutions and determined the direction of their growth. While Mr. Maitland's Introduction is addressed rather to the lawyer or to the student of political theory than to the student of history, it is interesting and stimulating as everything is that he writes, and the text and notes are full of suggestion of direct historical bearing.

Dr. Felix Liebermann continues the publication of his studies preliminary to the third part of his *Gesetze der Angelsachsen* with a paper on the *Leges Henrici Primi*, dedicated to the memory of Bishop Stubbs. In one particular at least, the present publication rivals in interest the remarkable study of the *Quadripartitus* published some years ago. Dr. Liebermann identifies the author of the *Leges Henrici* with the author of the *Quadripartitus*, and does so with a wealth of evidence that carries conviction with it. The place, time and purpose of the composition; the age, nationality and profession of the author; his attitude towards the contemporary conflict between Church and State, and towards the court, government and governmental policy; his view of the institutional

relation of his own time to the Anglo-Saxon ; the evident use of the *Quadripartitus* in an unfinished form, as well as in later recensions ; the use of the same foreign authorities on Frankish and canon law ; and similar peculiarities of style and use of unusual words, of which a long list is given, these are some of the evidences of a common authorship. Dr. Liebermann thinks it probable that the writer originally intended the *Leges* for the promised third book of the *Quadripartitus*. A conjectural biography of the author, based on facts and inferences drawn from both books, forms a most interesting conclusion to the two studies. The thoroughness of Dr. Liebermann's investigation of all questions connected with these texts in one way reconciles us to the long delay in their publication, but in another it increases our impatience. G. B. A.

Histoire de l'Université de Genève, I. L'Académie de Calvin, 1559-1798. Par Charles Borgeaud. (Genève, George et Cie, 1900, pp. xvi, 664.) This work was undertaken at the instance of the *Société académique de Genève*, an association of friends of the university, who desired to bring forward the educational history of the city for the national exposition of Switzerland in 1896. The task proved too great for the time allowed and it was perhaps better that a volume of such importance should appear later when due attention could be given to it. The work is a monument of erudition and is printed and bound in a form of sumptuous dignity, worthy of a great institution of learning. Numerous full-page portraits represent the more famous men who have held chairs in Geneva, and many facsimiles of documents add interest to the narrative.

After a brief introduction to the earlier history of the University of Geneva, the author proceeds at once to the work of Calvin, the real founder of the modern institution. The inauguration of the "college and university" occurred in 1559. At the death of Calvin, five years later, there were 1,200 pupils in the college and 300 students in the university.

The author divides the history into four great parts: I. The work of Calvin ; II. Theodore Beza ; III. The reign of Theology ; IV. The Century of Philosophers. In each of these epochs the university works in a different atmosphere, but the list of famous persons who taught within its walls grows continuously from beginning to end.

Of interest to American scholarship is the account of the negotiations with Jefferson for the removal of the university to America. During the French Revolution the professors became anxious as to their fate and as to their freedom of speech. About that time Jefferson was founding the University of Virginia and was looking abroad for professors. He was particularly pleased with Edinburgh and Geneva and thought seriously of importing the whole faculty from the latter place to the country. Other counsels prevailed. The author has employed some hitherto unpublished data in connection with the studies of H. B. Adams on this subject. Throughout the whole work Professor Borgeaud has added to his reputation for skill in profound research.

J. M. VINCENT.

The Rise of the Swiss Republic: A History. By W. D. McCrackan, M.A. Second edition, revised and enlarged. (New York: Henry Holt and Co., 1901, pp. viii, 423.) Mr. McCrackan approached the history of Switzerland after considerable length of residence in the country. His early education in the schools gave him ground upon which to base the observations of his maturer years. He had already written entertainingly upon the traditions and anecdotal history of places in Switzerland before publishing this more serious work in 1892.

For convenience of treatment the author has divided the volume into five books. These correspond in a measure to as many periods in Swiss history, but one must not insist on finding a logical consistency in all cases, for the subject is not so easily subdivided. Mr. McCrackan is right in not devoting much space to the prehistoric and Roman periods. Archaeologically speaking, the Lake Dwellers, the Helvetians and the Romans are intensely interesting, but in the development of the Swiss Republic they had perhaps less to do than the geologic ages which preceded them. The nation is founded on Teutonic ideas and the real history begins with the Alamannic invasion.

Book II. develops the formation of the primitive leagues of three into the confederation of eight small states. In this part the author's account of the legend of William Tell will be interesting to readers who desire examples of tradition transformed for a time into history. Under the Confederation of Thirteen, Switzerland became the fighting nation of Europe. It held the balance of power by lending its soldiers to the neighboring countries in turn, and expanded its territory somewhat at their expense. Yet Swiss government was of the frailest sort, giving the author occasion to make interesting comparisons with the American colonies.

The chapters on the modern constitutions give opportunity for further comparison, and Mr. McCrackan finds in Switzerland numerous institutions which might be adopted in America. These are summed up in the last chapter on Twentieth Century Switzerland, which is the enlargement of the book. Otherwise the volume is reprinted page for page. The bibliography is comprehensive, but contains no literature later than 1892. The translation of the Federal Constitution omits four important amendments.

J. M. VINCENT.

Letters and Papers of Admiral of the Fleet Sir Thos. Byam Martin, G.C.B., edited by Sir Richard Vesey Hamilton, G.C.B., Admiral. Vol. III. [Publications of the Navy Records Society, Vol. XIX.] (London: printed for the Society, 1901, pp. xxii, 399.) The interest of this volume is of a quite different sort from that of Volume II. The latter was occupied with the naval events of the great Napoleonic war. The present volume, though it contains a few pieces which belong to the year 1814 or to the Hundred Days, is practically a record of naval administration during years of peace. Indeed the correspondence, which occupies the first half of the volume, extends from 1814 quite to the end

of the long years of peace in 1854 and to the naval preparations for the Crimean War. From 1815 to 1831 Sir Byam Martin was comptroller of the navy and head of the Navy Board. His letters during these years show us an energetic, capable, upright, intelligent and open-minded official, and illustrate many interesting points of naval administration and procedure. In 1831 Lord Grey's ministry, in which Sir James Graham was first lord of the Admiralty, displaced him on political grounds. Martin's account of the transaction is a very spicy one, and, though of course *ex parte*, is sufficiently supported by documents to cast a strong light on the manner in which a reform ministry may deal with even non-political offices. Martin, who held one of the seats for Portsmouth, would not promise to aid the government by opposing Sir George Cockburn in his contest for the other seat; and this soon led to his removal, much to the grief of the Sailor King.

From this time until his death in 1854 Martin continued in retirement. The letters show that his high rank, distinguished services, clear head and honorable character caused his advice to be sought, upon a variety of points, by friends still actively engaged in the service. More interesting, though quite too miscellaneous for review, is a body of "Reminiscences and Notes," extending as far back as Lord Keppel's acquittal by court-martial in 1779, and embracing many entertaining anecdotes flavored with salt and with high toryism. Mention should also be made of an account of the affair of Basque Roads (April 1809) derived from the intercepted papers of an officer on board the French flag-ship; and of a series of Arctic letters which Sir John Ross wrote to Martin at Prince Regent's Inlet, 1830 to 1833, which he left there when, hardly expecting to escape, he abandoned his encampment there, and which were brought to England by a whaler ten years later.

Admiral Vesey Hamilton's notes, the intelligent comments of a modern admiral, add much to the interest of the book.

The History of Suffrage in Virginia, by Julian A. Chandler (Baltimore, Johns Hopkins Press, 1901, pp. 76), is a chapter of a larger work on the constitutional history of the state which the author has in preparation. After a hurried and somewhat unsatisfactory treatment of the laws in force before 1830, the steps are more carefully traced by which manhood suffrage was finally established. The difficulties of the Reconstruction period are presented in clear and simple form and with apparent fairness. The reader is impressed with the antithesis between the Eastern and Western sections of the state and with the fact that the democratic movement found its strength in very large measure in the frontier portions of the community. The severance of West Virginia from the Old Dominion can be readily understood by anyone who appreciates the differing sentiments of the people as they appear in the discussions on the subject of suffrage at various times in the history of the commonwealth. One or two statements are open to criticism. It is not strictly correct to speak of Monroe as a "representative of the American Government in

France at the opening of the French Revolution'' (p. 27). It is also incorrect to say that Jefferson's *Notes on Virginia* appeared in 1783. If the writer is to prepare a thorough constitutional history he must cast aside the idea that the Virginians of 1776 did not understand "the meaning of their famous Declaration of Rights which declared that 'all men are by nature equally free and independent' " (p. 22). This phrase does not mean that all men are entitled to the right to vote, but that when they were in a state of nature they were equally free and independent.

The statute requirement of the State of West Virginia that local history and local government should be taught in the public schools of the state is responsible for *The History and Government of West Virginia*, by Richard Ellsworth Fast and Hu Maxwell (The Acme Publishing Company). However laudable this desire to perpetuate local history, now being adopted by many states, the results must vary in accord with the quality and quantity of historical material at the disposal of text makers. The civil government portion of such a book finds no difficulties of this kind and at the same time is more evidently justifiable.

West Virginia as a state made from a state and as the border or buffer for the old state against transmontane foes does not lend itself readily to such a proposition. It is a gruesome tale which the authors have made ; a long list of Indian uprisings, massacres, and burnings. One questions the advisability of preserving these sanguinary details at the expense of an overcrowded school curriculum. It may be that military history appeals more to youth than the simple story of the conquests of man over nature, but as one reads the eighty pages of this recital, one wishes that the manners and customs of the courageous ancestors of these West Virginia boys and girls could have occupied more than six pages ; that the gradual development of the natural resources of the state had been described ; that the influence of topography on the movements of the people had found more space ; that the interesting colonial history of old Virginia might have been considered more of a heritage for the West Virginia of to-day ; and especially that the people of the mountain part of the state might have been considered part of the great history of the Old Dominion before the Rebellion.

In proof of what might have been done by the authors, the best writing in the historical part of the book is contained in the descriptions of tide-water and up-land Virginia, as two separate peoples for many decades before separation. One fifteenth of the money represented in the bonded debt of the state had been spent in the mountainous regions. The story of the separation is also clearly told.

Although the authors are presumably correct in their local history, there are a number of questionable statements when they touch on general United States history. The proclamation of 1763 finds foundation for its refusal to allow settlers in western country in the fact that they should wait "until the land should be purchased from the Indians,"

rather than in the statement of the proclamation itself, namely, that they "should not be molested or disturbed" in their possessions. Most present-day writers will not agree with the statement that the Quebec Act was passed "for weakening the colonies," and "to rob Pennsylvania and Virginia of their western lands." Fewer will include Pennsylvania in the list when the act specifically runs the line "thence along the west boundary of the said province."

George Rogers Clark appears as George *Roger Clarke*, that spelling of the family name being frequently repeated. Logan appears as "Lagan." No doubt this is one of the many errors in proof-reading which abound. The statement is made (p. 439) that the colonies became free on the fourth day of July and on the same day resolutions were brought forward for the formation of a confederation. Perhaps desire to prevent confusion in the minds of pupils may account for dating independence from the declaration rather than the motion, but that cannot justify setting forward the date of bringing in the draft of the Articles from July 12 to July 4. Some confusing inconsistencies appear, as when the unauthorized occupation of the northern forts by the British is first stated as lasting "more than ten years" and in the next paragraph as "two years later" than 1783.

The description of the parts of local government of the state seems to be well arranged and within the comprehension of children. A brief and rather inadequate description of the workings of the national government completes the volume of over 500 pages. The use of cheap paper or printer's ink which allows the type to show through in places, the appearance of "quads" or "spaces" in the line of text, and the presence of such a blot as obscures the text on page 495 are deplorable in a textbook where a due regard for the eyesight of pupils should demand an unusually clear print.

EDWIN E. SPARKS.

A History of Adams County, Ohio, by Nelson W. Evans and Emmons B. Stivers (West Union, Ohio, E. B. Stivers, pp. viii, 946), is a work of more than local interest. The most important remains of the Mound-Builders, the early navigation of the Ohio River by pioneers through the country of the Shawnee Indians, the surveyor's share in developing the Northwest Territory, the erection of the first counties in the territory, and the setting in operation of the first county and township governments, preface the more ordinary matters, such as tales of pioneers, records of courts, and of executive authorities, military rosters, and biographies of leading citizens. The authors have produced a volume of nine hundred and twenty pages, and have divided their work into four parts. Part I. is a history of Adams County as a whole followed by histories of its several townships; Part III. is devoted to pioneer sketches and Part IV. to biographical sketches. The first of these parts contains much material of general interest, though it would be of greater value to the student of the history of the Old Northwest if the larger matters were treated in a more compact form with less intermingling of personal affairs. This portion

of the work is written from the Jeffersonian point of view taking the side of Nathaniel Massie and Thomas Worthington against Governor St. Clair and the Federalists. The authors clearly show how it came about that the veto power was withheld from the governor in opposition to St. Clair's claims. The history of this early period is accurate and makes very extensive use of the first-hand records. If the more strictly local matters of the later parts of the work are equally free from error, the book is one of the best of its type.

M. L. H.

Congressional Grants of Land in Aid of Railways. [Doctoral dissertation, University of Wisconsin.] By John Bell Sanborn, Ph.D., Madison, 1899, pp. 130. This monograph has several merits. In the first place, it treats the question of congressional land grants in aid of railways as a part of the general land policy of the United States. In the second place, it treats this question in its connection with the home-stead laws, with tariff legislation, and other political and public questions which claimed the attention of Congress during the land grant period. It is also a merit of the monograph that it is the work of a student of the history of legislation rather than of a student of transportation. By this I would not be understood as saying that the latter topic is less instructive in itself than the former, but it is a satisfaction to read a monograph, especially one presented as a doctor's thesis, which confines itself to a single line of investigation. Were I to indulge in a critical suggestion, it would be to the effect that the author fails to appreciate the political significance of the Pacific railroad grants as keenly as he appreciates that of the first great land grant, namely, the grant to the Illinois Central Railroad. The error in this case, if it be an error, arises from the fact that he relies for his impressions almost entirely upon the recorded debates of Congress. It is probable that the political considerations which lay back of the Pacific railroad grants touch a larger number of interests than those of any other grant made by Congress. But it was not possible under the conditions of the time that these considerations should have been always expressed. This monograph is well worthy a prominent place in the library of the student of American history or of transportation, for it presents in concise and orderly manner the main facts relating to railway land grants.

HENRY C. ADAMS.

The Report on Canadian Archives for 1900, by Dr. Douglas Brymner, archivist of the Dominion (Sessional Paper No. 18 for 1901, pp. 418), continues his calendars of state papers for Upper and Lower Canada, respectively, from 1832 to 1835. Certain papers on education and emigration are printed at full length. The copies of state papers for the Canadas, down to 1840, have been received and made accessible at Ottawa. Copies have also been completed of the Bougainville papers, sent from Quimper, Brittany, by Mme. de Saint Sauveur Bougainville and M. de Kerallain.